

6. The Committee finds that some publicly traded vendors are moving forward with new technologies in broadband deployment. However, the focus is generally on densely populated city and urban areas; the vendors' business model makes deployment to rural areas in the foreseeable future unlikely.
7. The Committee finds that telephone cooperatives have a business model for providing high speed broadband internet access to rural communities that allows the cooperatives to provide fiber (very high speed broadband connectivity) to the home on a customer base that would not motivate publicly traded vendors to provide high speed broadband internet access.
8. The Committee finds that current State telephone franchise borders have a chilling effect on the deployment of high speed broadband internet services. Although both State and federal law permit any service provider to deploy high speed broadband internet services in any location, the ability of a broadband services provider to bundle telephone services with high speed broadband internet services promotes high speed broadband internet deployment.
9. The Committee finds that current law permits the deployment of utilities such as electricity, telephone, water and sewer lines in Department of Transportation (DOT) rights of way. However, high speed broadband internet is not a utility and current law does not authorize deployment of exclusively high speed broadband internet fiber/cable in DOT rights of way. Lack of statutory authorization to install exclusively high speed internet cables in the highway right of way has impeded high speed broadband internet deployment, in some instances preventing connection of communities and/or households to broadband internet access.
10. The Committee finds that high speed broadband internet access is both an information age public highway and public utility necessary to provide access to 21st Century technology for meeting 21st Century challenges. High speed broadband internet access has not yet been established as a public utility under State law, although the public thinks of broadband service as a public utility and uses it in the same manner.
11. The Committee finds that where high speed broadband internet access is available, the number of subscribers ("take rate") is generally less than 40%. Higher "take rates" would motivate private companies to expand the high speed broadband internet infrastructure.
12. The Committee finds that access to a broadband infrastructure must be made both universally available and universally affordable.